



The Law Society

Council Bulletin

May 2007 Council meeting highlights

The following is a summary report of the May 2007 meeting of the Law Society Council. It does not replace the formal minutes but is intended as a helpful guide to the main issues considered. Council papers relating to this meeting are available on the [Law Society's website](#).

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Legal Aid

The Chief Executive reported that, following the most recent Westminster hall debate and the publication of the Constitutional Affairs Select Committee's report, the Leader of the House of Commons had undertaken to consider further debates in either Westminster Hall or on the floor of the House itself following. The Society continues to work with MPs to press for a full debate in the House of Commons

The Society has issued a pre-action protocol letter seeking a withdrawal of the LSC's proposed scheme for VHCCs. The hearing of the Society's challenge to the unified contract had been set for 25/26 June and the Society would be intervening in the challenge being made by the Black Solicitors Network. More details of the Society's work is available at www.defendinglegalaid.lawsociety.org.uk. Details of the conduct of the litigation already underway and our assessment of success prospects remain for obvious reasons confidential.

Legal Services Bill

The Society has made very good progress in securing amendments to the Bill at Third Reading in the Lords. The government has accepted that the need to protect and promote the public interest should appear as a regulatory objective. Very importantly, we achieved an amendment to ensure that ABS (Alternative Business

Structures) could be refused on grounds of an adverse impact on access to justice. The government was also forced to set more appropriate thresholds for the exercise of the LSB powers and agreed to restrict the circumstances in which the LSB could fine an approved regulator.

Regulation issues

The Chief Executive of the Legal Complaints Service (LCS) reported that the LCS had exceeded all of its timeliness targets for the year April 2006-March 2007, closing 59% of files within 3 months and 94% of files within 12 months. The Legal Services Complaints Commissioner's (LSCC) audit of the quality targets was still awaited. The LSCC had declared adequate the complaints handling plan for April 2007-March 2008.

The Chair of the Solicitors Regulation Authority asked the Council to make the Solicitors Indemnity Insurance Rules 2007. Minor amendments were needed to reflect the new structures of the Law Society. The Council also made the Solicitors Indemnity Rules 2007.

In preparation for the introduction of Home Information Packs the Council also made the Solicitors' Code of Conduct (2007) and Solicitors' Practice Rules 1990 (Property selling) Amendment Rule 2007. They will be repealed immediately should HIPs be withdrawn.

In March, the SRA had set the LPC registration fee for 2007-08 at £110 full time and £55 part time.

Home Information Packs

The Council heard an update on the implementation of HIPs, which the House of Commons was debating the same day. The Society had provided briefings to MPs which is available here arguing for a delay in implementation at the very least; the Society has supported the RICS in calling for a judicial review on HIPs.

Governance of the Law Society

The Council continued its work to put in place governance arrangements to enhance the delivery of support to the Society's members.

Having already established a new Regulatory Affairs Board to promote the profession's interests in relation to regulatory matters, the Council will put in place three other boards by September: a Legal Affairs and Policy Board to represent solicitors' interests and promote the Society as a leading voice on law reform; a Membership Services Board to oversee the provision of Law Society member services, with a third Board to be responsible to the Council for the Society's finances, business planning and budgeting.

The Council approved the Society's annual accounts for 2006, to be presented to the AGM on 19 July. The accounts will be published on the website with the AGM papers. The Council also agreed a number of tidying up amendments to the Society's Bye-Laws, on matters such as the appointment of the Society's auditors, to be presented to the AGM.

Law Society's Gazette

The Council settled a revised editorial policy for the Gazette with the aim of positioning it more clearly in the wake of the separation of the Society's representative and regulatory responsibilities. The new policy will be introduced over the summer and reads as follows:

The Gazette is the Law Society's flagship publication. It shares the Society's mission to support solicitors and aims to be the best read and most influential specialist legal publication in England and Wales.

The editor is responsible for ensuring that the Gazette reports objectively on matters of interest to solicitors, including developments in the legal world and legal aspects of the wider news agenda as well as providing up-to-date reports from the Society. The editor is also responsible for maintaining the reputation and standing of the Gazette amongst the profession. The Gazette's focus is always on issues of relevance to the profession and promoting the interests of solicitors. It does not avoid controversial issues and gives voice to the entire range of views on legal matters, seeking opinion and comment from across the legal professions.

The Gazette deals frankly with the problems and challenges the Society and its members face and provides a platform for ordinary members as well as key figures and organisations (e.g. local law societies and practitioner associations) across the legal landscape to put forward their views. It acts as the Society's journal of record, reporting proceedings of the Society such as Council meetings and AGMs in so far as they are of relevance and interest to members and publishing official notices. The Gazette also has a duty to communicate the Law Society's position on key issues, as well as material from the Solicitors Regulation Authority and Legal Complaints Service.